

Senate File 2071 - Introduced

SENATE FILE 2071

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3071)

A BILL FOR

1 An Act relating to and making supplemental appropriations
2 for the fiscal year beginning July 1, 2011, and including
3 effective dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

CORRECTIONS — APPROPRIATIONS

3 Section 1. 2011 Iowa Acts, chapter 134, section 3, is
4 amended to read as follows:

5 SEC. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the operation of adult correctional institutions, reimbursement of counties for certain confinement costs, and federal prison reimbursement, to be allocated as follows:

13 a. For the operation of the Fort Madison correctional
14 facility, including salaries, support, maintenance, and
15 miscellaneous purposes:

16	\$ 41,031,283
17		42,292,031

18 b. For the operation of the Anamosa correctional facility,
19 including salaries, support, maintenance, and miscellaneous
20 purposes:

21	\$ 31,985,974
22		32,168,148

23 c. For the operation of the Oakdale correctional facility,
24 including salaries, support, maintenance, and miscellaneous
25 purposes:

26	\$ 55,594,426
27		56,589,899

28 d. For the operation of the Newton correctional facility,
29 including salaries, support, maintenance, and miscellaneous
30 purposes:

31	\$ 25,958,757
32		26,601,701

33 e. For the operation of the Mt. Pleasant correctional
34 facility, including salaries, support, maintenance, and
35 miscellaneous purposes:

1 \$ ~~25,917,815~~
2 26,321,902

3 f. For the operation of the Rockwell City correctional
4 facility, including salaries, support, maintenance, and
5 miscellaneous purposes:
6 \$ ~~9,316,466~~
7 9,490,461

8 g. For the operation of the Clarinda correctional facility,
9 including salaries, support, maintenance, and miscellaneous
10 purposes:
11 \$ ~~24,482,356~~
12 24,857,130

13 Moneys received by the department of corrections as
14 reimbursement for services provided to the Clarinda youth
15 corporation are appropriated to the department and shall be
16 used for the purpose of operating the Clarinda correctional
17 facility.

18 h. For the operation of the Mitchellville correctional
19 facility, including salaries, support, maintenance, and
20 miscellaneous purposes:
21 \$ ~~15,615,374~~
22 16,049,305

23 i. For the operation of the Fort Dodge correctional
24 facility, including salaries, support, maintenance, and
25 miscellaneous purposes:
26 \$ ~~29,062,235~~
27 29,456,158

28 j. For reimbursement of counties for temporary confinement
29 of work release and parole violators, as provided in sections
30 901.7, 904.908, and 906.17, and for offenders confined pursuant
31 to section 904.513:
32 \$ ~~775,092~~
33 1,075,092

34 k. For federal prison reimbursement, reimbursements for
35 out-of-state placements, and miscellaneous contracts:

1 \$ ~~239,411~~
2 484,411

3 1. For three correctional officer full-time equivalent
4 positions that are to be assigned to a correctional institution
5 by the director of the department of corrections:

6 \$ 157,162

7 2. The department of corrections shall use moneys
8 appropriated in subsection 1 to continue to contract for the
9 services of a Muslim imam and a Native American spiritual
10 leader.

11 DEPARTMENT OF CORRECTIONS — ADMINISTRATION

12 Sec. 2. 2011 Iowa Acts, chapter 134, section 4, subsection
13 1, unnumbered paragraph 1, is amended to read as follows:

14 For general administration, including salaries, support,
15 maintenance, employment of an education director to administer
16 a centralized education program for the correctional system,
17 and miscellaneous purposes:

18 \$ ~~4,835,542~~
19 5,181,582

20 JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES

21 Sec. 3. 2011 Iowa Acts, chapter 134, section 5, subsection
22 1, is amended to read as follows:

23 1. There is appropriated from the general fund of the state
24 to the department of corrections for the fiscal year beginning
25 July 1, 2011, and ending June 30, 2012, for salaries, support,
26 maintenance, and miscellaneous purposes, the following amounts,
27 or so much thereof as is necessary, to be allocated as follows:

28 a. For the first judicial district department of
29 correctional services:

30 \$ ~~12,204,948~~
31 12,658,088

32 b. For the second judicial district department of
33 correctional services:

34 \$ ~~10,336,948~~
35 10,598,654

1 c. For the third judicial district department of
2 correctional services:
3 \$ ~~5,599,765~~
4 5,952,381
5 d. For the fourth judicial district department of
6 correctional services:
7 \$ ~~5,391,355~~
8 5,442,351
9 e. For the fifth judicial district department of
10 correctional services, including funding for electronic
11 monitoring devices for use on a statewide basis:
12 \$ ~~18,742,129~~
13 19,052,804
14 f. For the sixth judicial district department of
15 correctional services:
16 \$ ~~13,112,563~~
17 13,712,506
18 g. For the seventh judicial district department of
19 correctional services:
20 \$ ~~6,492,814~~
21 6,716,588
22 h. For the eighth judicial district department of
23 correctional services:
24 \$ ~~6,879,715~~
25 7,372,419

26 DIVISION II

27 RISK POOL FUNDING

28 Sec. 4. RISK POOL APPLICATIONS FOR FISCAL YEAR 2011-2012.

29 1. For the purposes of this section, unless the context
30 otherwise requires:

31 a. "County management plan" means the county management
32 plan for the county's mental health, mental retardation, and
33 developmental disabilities services system implemented in
34 accordance with section 331.439 and in effect as of July 1,
35 2011.

1 b. "Department" means the department of human services.

2 c. "Risk pool board" means the risk pool board created in
3 section 426B.5.

4 d. "Services fund" means the county mental health, mental
5 retardation, and developmental disabilities services fund
6 created in section 331.424A.

7 2. All moneys remaining following the distributions made
8 pursuant to 2011 Iowa Acts, chapter 129, section 43, shall be
9 credited to and remain in the risk pool created in the property
10 tax relief fund pursuant to section 426B.5 for expenditure as
11 provided by law. Notwithstanding section 426B.5, subsection
12 2, paragraph "d", and 2011 Iowa Acts, chapter 129, section 43,
13 subsection 2, paragraph "c", a county may apply to the risk
14 pool board for assistance from the risk pool for the fiscal
15 year beginning July 1, 2011, in accordance with this section.

16 3. a. A county with individuals on a waiting list, as of
17 the effective date of this section, for services covered under
18 the county's county management plan is eligible to apply for a
19 distribution of assistance under this section.

20 b. In addition, a county may apply for assistance to
21 cover the nonfederal share of medical assistance waiver costs
22 chargeable to the county for the remainder of the fiscal
23 year of individuals who moved from the newly implemented
24 state waiting list for the medical assistance program home
25 and community-based services waiver for persons with an
26 intellectual disability.

27 c. In addition, a county may apply for risk pool assistance
28 based on the basic eligibility conditions and circumstances
29 specified in section 426B.5, subsection 2. The dates specified
30 in this section shall apply in lieu of the dates in section
31 426B.5, subsection 2, and the temporary funding increase
32 provided to counties for the fiscal year beginning July 1,
33 2009, through the federal American Recovery and Reinvestment
34 Act of 2009, Pub. L. No. 111-5, shall be disregarded. However,
35 the other basic eligibility requirements for risk pool

1 assistance and all other requirements in section 426B.5,
2 subsection 2, shall remain applicable.

3 4. All of the following provisions shall apply to a funding
4 distribution under this section:

5 a. A county's application for the funding distribution must
6 be received by the department within 10 calendar days of the
7 enactment date of this section.

8 b. The county's application shall provide all of the
9 following information:

10 (1) A declaration that the county cannot provide services
11 in accordance with the county's management plan and remain in
12 compliance with the 99 percent budgeting requirement in section
13 331.439, subsection 5, resulting in the creation of a waiting
14 list or the need for the funding requested.

15 (2) An accounting of the individuals to be removed from
16 the county's waiting list or to have services funded with risk
17 pool moneys as a result of the funding applied for under this
18 subsection, along with the following information in a format
19 specified by the department:

20 (a) Each individual's unique client identifier established
21 pursuant to section 225C.6A, subsection 3.

22 (b) The date the individual was originally placed on the
23 county waiting list, removed from the state waiting list, or
24 would be subject to a service reduction or elimination without
25 the risk pool funding requested.

26 (c) The services needed by the individual.

27 (d) The projected cost for each service needed for that
28 individual for the period beginning on the date the individual
29 is removed from the county or state waiting list, or the date
30 of receipt of the risk pool funding requested, through June 30,
31 2012.

32 (e) The total cost for all of the services for each
33 individual for the fiscal year.

34 c. The application shall be accompanied by a signed
35 statement by the county's board of supervisors certifying

1 that the individuals for whom funding is provided under this
2 subsection will not, through June 30, 2012, be placed by the
3 county on a waiting list for services.

4 d. Funding shall be distributed in the following priority
5 order:

6 (1) For counties with individuals on a waiting list as
7 described in subsection 3, paragraph "a".

8 (2) If funding remains after meeting the need described
9 in subparagraph (1), for counties applying for assistance to
10 cover the nonfederal share of medical assistance costs for
11 individuals who moved from the state waiting list as described
12 in subsection 3, paragraph "b".

13 (3) If funding remains after meeting the need described in
14 subparagraphs (1) and (2), for counties applying in accordance
15 with the basic eligibility conditions and circumstances
16 specified in section 426B.5, subsection 2, as described in
17 subsection 3, paragraph "c".

18 e. The risk pool board may accept or reject an application
19 for assistance in whole or in part if the board determines
20 the application does not meet the intent of this section or
21 a requirement of this section and, subject to the priority
22 order specified in paragraph "d", may prorate distribution of
23 funding as necessary to conform to the amount available for
24 distribution. The decision of the risk pool board is final.
25 The risk pool board shall issue a funding decision within 15
26 working days of the final receipt date for applications.

27 f. The funding addressed by this section shall be
28 distributed within 15 working days of the date the risk pool
29 board's funding decision is issued.

30 5. If moneys from a distribution made under this section
31 are not expended by a county by November 1, 2012, for services
32 provided prior to July 1, 2012, the county shall reimburse the
33 unexpended moneys to the department by November 30, 2012, and
34 the moneys reimbursed shall be credited to the risk pool in the
35 property tax relief fund.

1 6. The risk pool board shall submit a report to the governor
2 and general assembly on or before December 31, 2012, regarding
3 the expenditure of funds distributed under this section.

4 DIVISION III

5 EFFECTIVE DATE

6 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
7 immediate importance, takes effect upon enactment.

8 EXPLANATION

9 This bill makes supplemental appropriations from the general
10 fund of the state for fiscal year 2011-2012 to the department
11 of corrections and authorizes additional applications for and
12 expenditures from the risk pool in the property tax relief
13 fund for purposes of county mental health, mental retardation,
14 and developmental disabilities (MH/MR/DD) services for FY
15 2011-2012. The bill is organized into divisions.

16 CORRECTIONS — APPROPRIATIONS. The following appropriations
17 made in 2011 Iowa Acts, chapter 134 (SF 510), to the department
18 of corrections are addressed: correctional facilities,
19 administration, and judicial district departments of
20 correctional services (community-based corrections or CBCs).

21 RISK POOL FUNDING. Code section 426B.5, subsection 2,
22 establishes the risk pool within the property tax relief fund
23 to provide assistance to counties in funding adult mental
24 health, mental retardation, and developmental disabilities
25 services. The risk pool is administered by the department of
26 human services. Under 2011 Iowa Acts, chapter 129 (HF 649),
27 section 43, two distributions were made to counties to address
28 waiting lists for such services, one in July 2011 and the other
29 in December 2011. The bill authorizes counties to apply to the
30 risk pool for moneys remaining after those distributions.

31 The bill defines the following terms: "county management
32 plan" means the management plan for the county's MH/MR/DD
33 services implemented in accordance with Code section 331.439 in
34 effect as of July 1, 2011; "department" means the department
35 of human services; "risk pool board" means the risk pool board

1 created in Code section 426B.5; and "services fund" means the
2 county MH/MR/DD services fund created in Code section 331.424A.

3 Three groups are authorized to apply for assistance. First,
4 counties with a waiting list for services as of the bill's
5 effective date may apply for a funding distribution to pay for
6 services to the individuals in order to eliminate the waiting
7 list. Second, counties may apply for a distribution to cover
8 the costs chargeable to the county for the remainder of the
9 fiscal year of individuals who moved from the newly implemented
10 state waiting list for the medical assistance (Medicaid)
11 program home and community-based services waiver for persons
12 with an intellectual disability. The state waiting list was
13 implemented in October 2011. Previously, the waiting list was
14 managed by counties on an individual county basis. Third,
15 counties may apply based upon the risk pool basic eligibility
16 provisions and criteria in Code section 426B.5. Assistance is
17 to be distributed to first cover the need for the first group,
18 then the second group, and finally the third group.

19 An application for assistance is required to provide certain
20 information including the individuals involved, services
21 needed, and costs along with verification that the individuals
22 will not again be placed on a waiting list through June 30,
23 2012. Any amount of a funding distribution that is unused is
24 required to be reimbursed to the risk pool.

25 The risk pool board is authorized to accept or reject an
26 application in whole or in part and to prorate distribution if
27 necessary to conform to the amount available for distribution.

28 The bill provides for the following dates to be used
29 relating to the assistance authorized by the bill: a county's
30 application for risk pool assistance must be received by the
31 department of human services within 10 calendar days of the
32 enactment date of the bill, the risk pool board shall make its
33 final decisions concerning the acceptance or rejections of the
34 applications for assistance within 15 working days of the final
35 receipt date for applications, and the warrants providing the

1 assistance to counties shall be issued within 15 working days
2 of the date the risk pool board's funding decisions are issued.
3 EFFECTIVE DATE. The bill takes effect upon enactment.